



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FENWICK & WEST LLP
SILICON VALLEY CENTER
801 CALIFORNIA STREET
MOUNTAIN VIEW, CA 94041

COPY MAILED

JAN 27 2006

OFFICE OF PETITIONS

In re Application of :
Steven G. Roskowski, Dean M. Drako :
and William T. Krein :
Application No. 09/815,873 :
Filed: March 22, 2001 :
Title: SYSTEM FOR RECEIVING A :
CONTROL SIGNAL FROM A DEVICE FOR :
SELECTING ITS ASSOCIATED CLOCK :
SIGNAL FOR CONTROLLING THE :
TRANSFERRING OF INFORMATION VIA :
A BUFFER :

**DECISION REFUSING STATUS
UNDER 37 CFR 1.47(a)**

This is in response to the "Petition Under 37 CFR 1.47(a)," filed January 13, 2006 (Certificate of Mailing date: January 10, 2006), which has been treated as a petition under 37 CFR 1.183.¹

The petition is dismissed.

Petitioner is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.183," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Any extensions of time will be governed by 37 CFR 1.136(a).

On August 11, 2005, a non-final Office action was mailed requiring the submission of a supplemental re-issue oath or declaration.

¹ Please note, a petition under 37 CFR 1.47 is only appropriate on the submission of the original oath or declaration. "When an inventor who executed the original declaration is refusing or cannot be found to execute a required supplemental declaration, the requirement for that inventor to sign the supplemental declaration may be suspended or waived in accordance with 37 CFR 1.183. All available joint inventor(s) must sign the supplemental declaration on behalf of themselves, if appropriate, and on behalf of the nonsigning inventor. See MPEP § 409.03(a)." See MPEP 603.

In response, on January 13, 2006 (Certificate of Mailing date: January 10, 2006), the instant petition and a two (2) month extension of time were filed.

Applicant appears to demonstrate that the non-signing inventors were only presented with the declaration. Unless the non-signing inventors were presented with a copy of the application papers (specification, claims and drawings), the non-signing inventors could not attest that they have "reviewed and understand the application papers" and therefore could not sign the supplemental declaration which they were given. Accordingly, applicant failed to show or provide proof that the inventors have refused to sign the declaration. Applicant should show that a copy of the application papers was presented to the non-signing inventors, but that they did not respond to, or refused, the request that they sign the oath/declaration. The proof of the pertinent events should be made by a statement of someone with first hand knowledge of the events.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
 Commissioner for Patents
 Box 1450
 Alexandria, VA 22313

By FAX: (571) 273-8300
 Attn: Office of Petitions

By hand: Customer Service Window
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3228.



Edward J. Tannouse
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy